

Draft

PERMIT

Permit No: 200701727-TS
City: Norwalk
Work Area: Five Mile River off property located at 5 Cudlipp Street
Permittee: Shakley Properties, LLC
4 Westview Lane
Norwalk, CT 06854

Pursuant to sections 22a-359 through 22a-363f and sections 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted to install a dock for private recreational boating access as is more specifically described below in the SCOPE OF AUTHORIZATION in the Five Mile River off property identified as the "work area" above.

*****NOTICE TO PERMITTEES AND CONTRACTORS*****

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200701727-TS, including four sheets of plans dated March 27, 2007 and revised February 25, 2008, submitted by the Permittee to the Commissioner and attached hereto as follows:

1. remove an existing concrete block; and
2. install a 4' x 48' fixed pier supported by ten pilings, a 6' x 15' pierhead supported by four pilings, a boat davit, and an access ladder.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. The Permittee shall remove the existing concrete block to an upland location prior to the commencement of work authorized in paragraph 2., of the SCOPE OF AUTHORIZATION, above.
2. The Permittee shall ensure that all work associated with the driving of piles for construction of the dock shall be conducted by a water-based barge only during periods of high water in the area of the proposed dock. Any such barge must move to deeper waters during periods of low water in the area of the proposed dock. At no time shall the barge rest on the bottom of the Five Mile River. It shall not be a defense to this provision for the Permittee to assert that it has no control over the operation of the barge.
3. The Permittee shall construct the fixed pier authorized herein so that the lowest horizontal member of the fixed pier is constructed no lower than elevation 10.7' NGVD.
4. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material.
5. Except as specifically authorized by this permit, no equipment or material including, but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
6. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
8. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.

- a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make *de minimis* changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
7. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

8. The date of submission to the Commissioner of any document required by this permit shall be the

date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

9. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
10. This permit may be revoked, suspended, or modified in accordance with applicable law.
11. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
12. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
13. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
14. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any

compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

15. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
16. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
17. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
18. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
19. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Draft

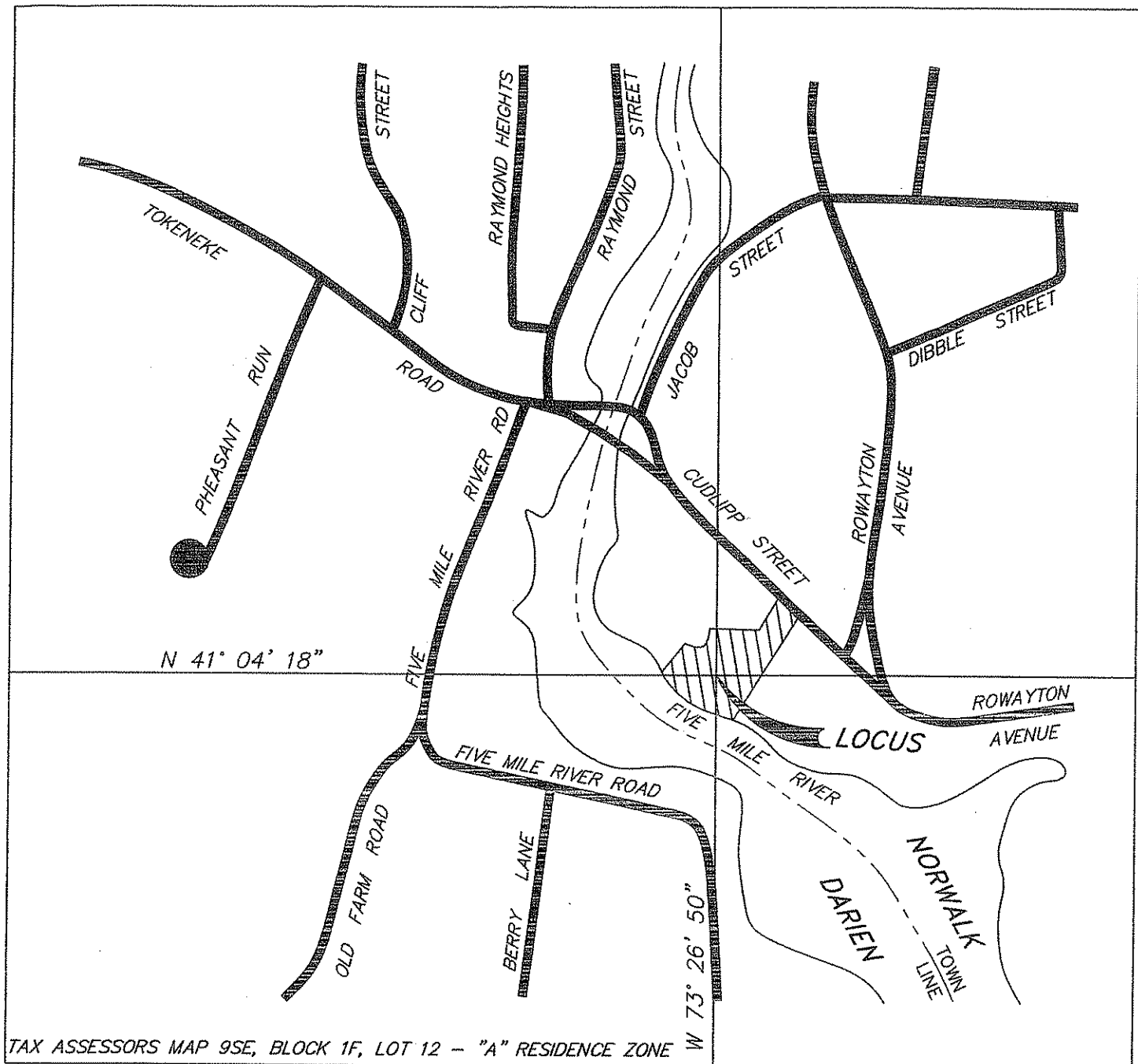
Issued on _____, 2010.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey C. Wingfield
Bureau Chief
Bureau of Water Protection and Land Reuse

Permit Application No. 200701727-TS
Shakley Properties, LLC

TS



TAX ASSESSORS MAP 9SE, BLOCK 1F, LOT 12 - "A" RESIDENCE ZONE

LOCATION MAP



PERMITTING AGENT

JAMES J. BAJEK, LLC
36 POTTER ROAD

WILTON, NEW HAMPSHIRE 03086
PHONE 603-654-5350
FAX 603-654-5610

LOCUS MAP

#5 CUDLIPP STREET
PREPARED FOR

SHAKLEY PROPERTIES LLC
NORWALK, CONNECTICUT

SCALE: 1" = 300'

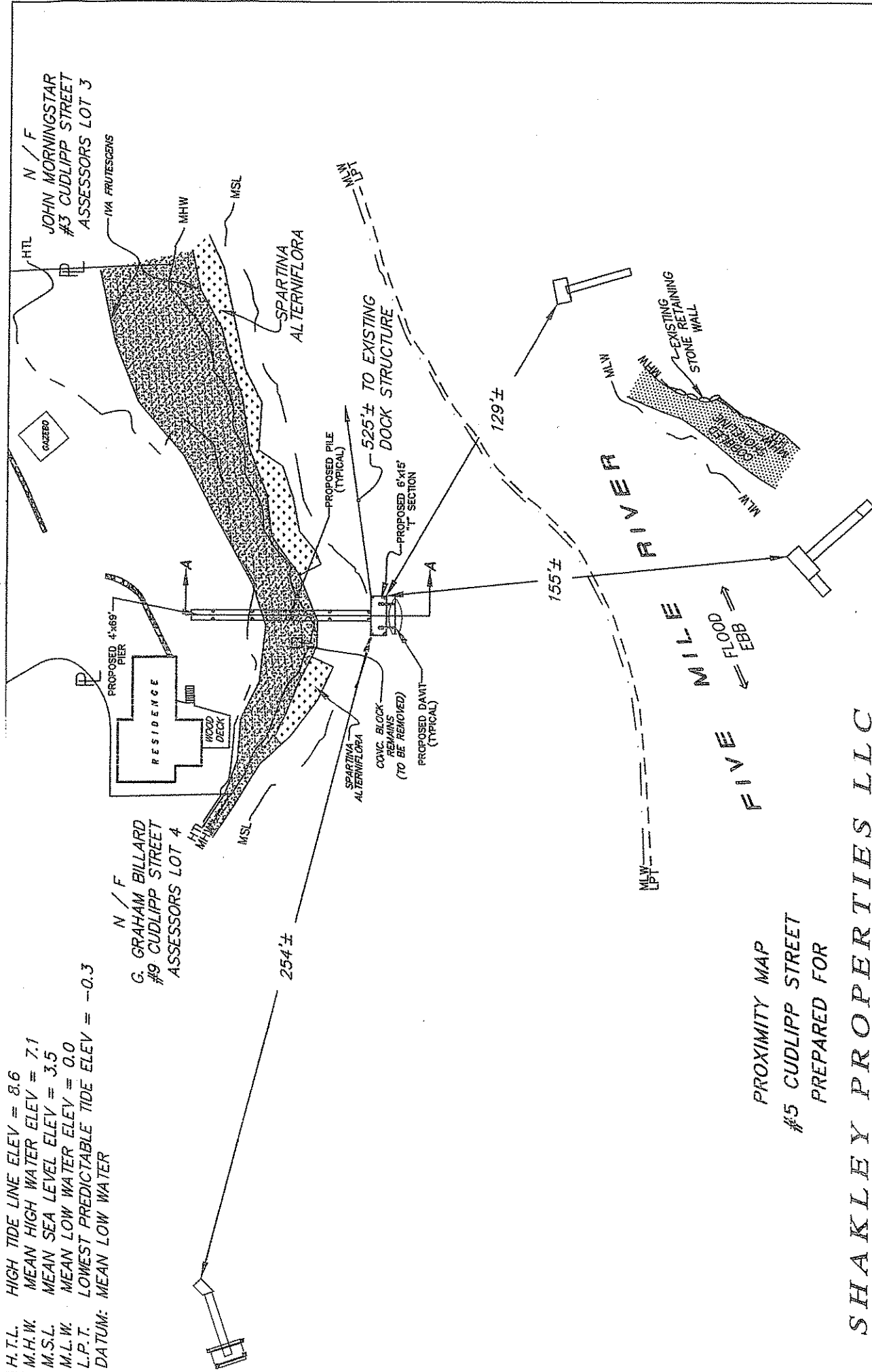
MARCH 27, 2007

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ DARIEN, CONN. ©

PHONE 203-655-3331 FAX 203-656-2143

H.T.L. HIGH TIDE LINE ELEV = 8.6
M.H.W. MEAN HIGH WATER ELEV = 7.1
M.S.L. MEAN SEA LEVEL ELEV = 3.5
M.L.W. MEAN LOW WATER ELEV = 0.0
L.P.T. LOWEST PREDICTABLE TIDE ELEV = -0.3
DATUM: MEAN LOW WATER



PLANS ARE FOR PERMITTING PURPOSES ONLY, NOT TO BE USED FOR CONSTRUCTION



PROXIMITY MAP
#5 CUDLIPP STREET
PREPARED FOR

SHAKLEY PROPERTIES LLC

NORWALK, CONNECTICUT

SCALE: 1" = 50' MARCH 27, 2007

REVISED - FEBRUARY 25, 2008

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

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H.T.L. HIGH TIDE LINE ELEV = 8.6
M.H.W. MEAN HIGH WATER ELEV = 7.1
M.S.L. MEAN SEA LEVEL ELEV = 3.5
M.L.W. MEAN LOW WATER ELEV = 0.0
L.P.T. LOWEST PREDICTABLE TIDE ELEV = -0.3
DATUM: MEAN LOW WATER

N / F
G. GRAHAM BILLARD
#9 CUDLIPP STREET
ASSESSORS LOT 4

RESIDENCE

10- WOOD DECK

SPARTINA
ALTERNIFLORA

CONC. BLOCK —
REMAINS
(TO BE REMOVED)

PROPOSED DATA
(TYPICAL)

1
2
3
4
5

REV

AVAILABILITY

← FLOOD →
EBB →

EXISTING & PROPOSED CONDITIONS MAP
#5 CUDLIPP STREET
PREPARED FOR

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION

SCALE: 1" = 30'

SHAKLEY PROPERTIES LLC

NORWALK, CONNECTICUT

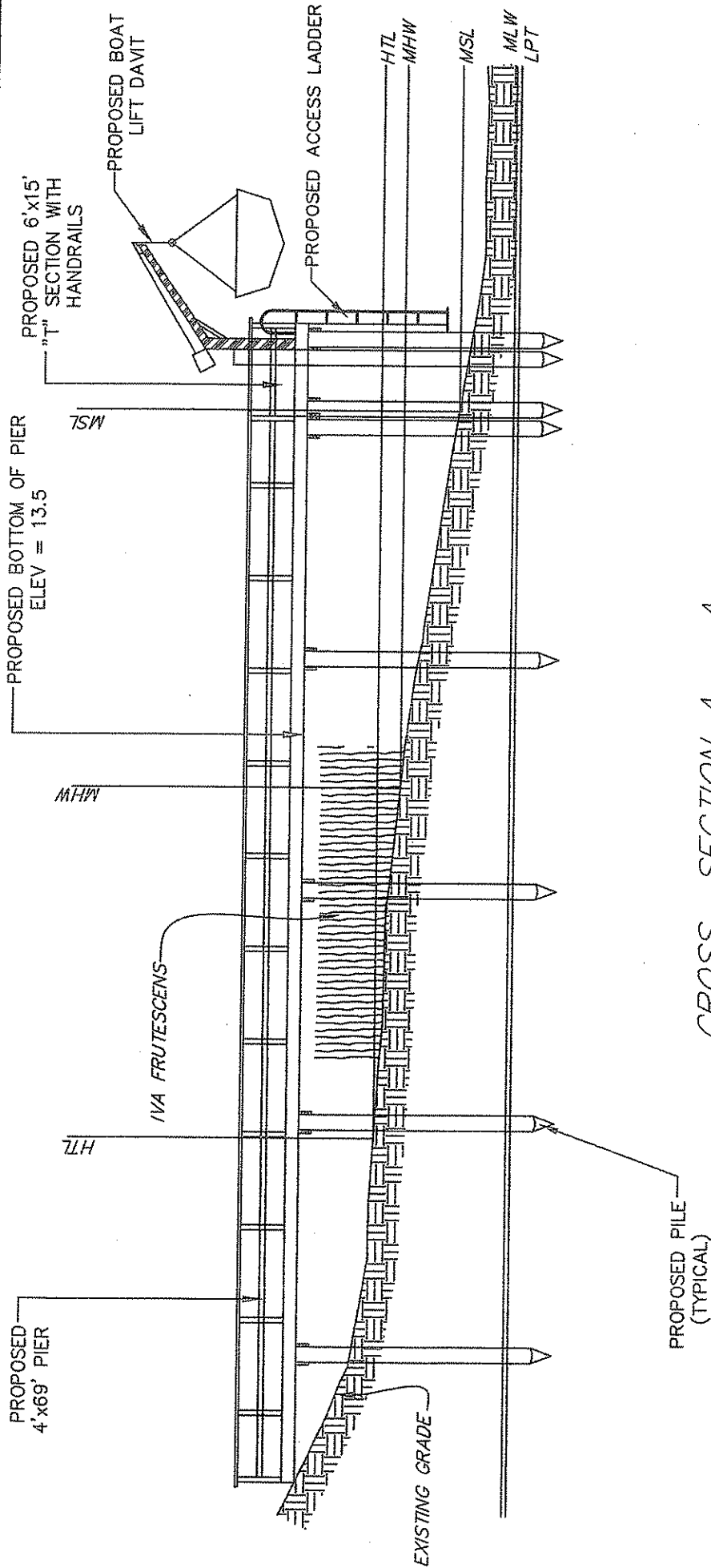
MARCH 27, 2007

REVISÉ - FEBRUARY 25, 2008

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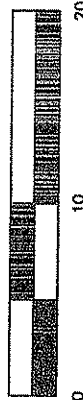
SHEET 3 OF 4



H.T.L. HIGH TIDE LINE ELEV = 8.6
 M.H.W. MEAN HIGH WATER ELEV = 7.1
 M.S.L. MEAN SEA LEVEL ELEV = 3.5
 M.L.W. MEAN LOW WATER ELEV = 0.0
 L.P.T. LOWEST PREDICTABLE TIDE ELEV = -0.3
 DATUM: MEAN LOW WATER

PLANS ARE FOR PERMITTING
 PURPOSES ONLY; NOT TO BE
 USED FOR CONSTRUCTION

SCALE: 1" = 10'



PROPOSED CROSS SECTION MAP
 #5 CUDLIPI STREET
 PREPARED FOR

SHAKLEY PROPERTIES LLC

NORWALK, CONNECTICUT

SCALE: 1" = 10' MARCH 27, 2007

REVISED - FEBRUARY 25, 2008

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

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OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Shakley Properties, LLC
4 Westview Lane
Norwalk, CT 06854

Permit No: #200701727-TS, Westport

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)